

1300350-Court-A-U.S.

MICHAEL PEAVEY  
404 BROAD STREET  
PO BOX 1115  
WILSON, NC 27894

IN RE

MARCIA J. MURRAY  
302 PEMBROKE COURT

WENDELL, NC 27591  
SSN or Tax I.D. XXX-XX-2836

Chapter 13

Case Number: 13-00350-8-RDD

U.S. BANKRUPTCY COURT  
1760-A PARKWOOD BLVD  
WILSON, NC 27893

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

ROBERT R. BROWNING, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 05/10/2013, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court  
Eastern District of North Carolina  
1760-A Parkwood Blvd  
Wilson, NC 27893

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):  
MARCIA J. MURRAY  
302 PEMBROKE COURT  
WENDELL, NC 27591

Attorney:  
MICHAEL PEAVEY  
404 BROAD STREET  
PO BOX 1115  
WILSON, NC 27894

Trustee:  
ROBERT R. BROWNING  
P.O. BOX 8248  
GREENVILLE, NC 27835

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: April 09, 2013

ROBERT R. BROWNING  
Chapter 13 Trustee  
P.O. BOX 8248  
GREENVILLE, NC 27835

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA**



**IN RE:**

**CASE NUMBER: 13-00350-8-RDD**

**MARCIA J. MURRAY**

**CHAPTER 13**

**DEBTOR(S)**

**MINUTES OF 341 MEETING AND  
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on February 20, 2013, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$1,108.00	for	60	Months
	for		Months
	for		Months
	for		Months

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before May 21, 2013 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before July 16, 2013 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:
  - a. Claims to be paid directly by the Debtor:

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<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

b. Continuing Long Term Debts to be paid by the Trustee:

**IF A PROOF OF CLAIM IS TIMELY FILED** the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, to be paid over the life of the plan. Two post-petition contractual payments shall be included in the arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments.**  
**(SEE PARAGRAPH 8 BELOW)**

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
(900 & 901) USDA RURAL HOUSING SERVICE	MORTGAGE	CONTRACTUAL AND POST PETITION PAYMENTS TO BE MADE BY THE TRUSTEE

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
(002) COASTAL FEDERAL CREDIT UNION	2005 CHEVY EQUINOX	\$7,900.00 SECURED \$1,711.96 UNSECURED	5.25% PRO-RATA WITHIN THE LIFE OF THE PLAN
(005) GEMB/ROOMS TO GO	HOUSEHOLD GOODS	\$800.00 SECURED \$306.97 UNSECURED	5.25% PRO-RATA WITHIN THE LIFE OF THE PLAN – <b>NO CLAIM FILED</b>
(902) USDA RURAL HOUSING SERVICE	MORTGAGE ARREARS	\$770.00 SECURED	0% PRO-RATA WITHIN LIFE OF THE PLAN – <b>NO CLAIM FILED</b>

e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.
9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: "Abandon," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(a)(1), as allowed by Local Rule 4001-1(b):

NONE

Reference herein to "Direct" or "Outside" or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 8 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased/Contracted For</u>	<u>Treatment</u>
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NONE

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,700.00. The Trustee recommends to the Court a fee of \$3,700.00. If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.
16. Other Provisions:

s/ Robert R. Browning

Robert R. Browning  
Standing Chapter 13 Trustee

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**EXHIBIT 'A'****CASE NUMBER: 13-00350-8-RDD****DEBTORS: MARCIA J. MURRAY****EMPLOYMENT:**

Debtor: BUILDING BLOCKS CHILDCARE GROSS INCOME: \$31,520.04  
P. O. BOX 1379  
CLAYTON, NC 27528  
FOODSTAMPS

Spouse:

**Prior Bankruptcy cases:** Yes ☐ No ☒ If so, Chapter filed

Disposition:

**Real Property:** House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE

FMV \$92,000.00

Date Purchased

Liens \$115,397.08

Purchase Price

Exemptions

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value

**COMMENTS:****Attorney** Requested: \$3,700.00 (excluding filing fee)**Fees:** Paid: \$685.00 (excluding filing fee)

Balance: \$3,015.00

**Trustee's Recommendation:** \$3,700.00

Comments:

**Plan Information:**

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$118,718.68	Pay in	\$66,480.00	Priority	100.00%
Priority	\$3,015.00	Less 8.00%	\$5,318.40	Secured	100.00%
Secured	\$56,880.80	Subtotal	\$61,161.60	Unsecured	0.00%
Unsecured	\$58,822.88	Req. Atty. Fee	Incl. w/ claims	Joint	0.00%
Joint Debts	\$0.00	Available	\$61,161.60	Co-Debts	0.00%
Co-Debtor	\$0.00				

**Annual Review:** Yes ☐ No ☐**Payroll Deduction:** Yes ☐ No ☒**Objection to Confirmation:** Yes ☐ No ☐

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

**Motions Filed:** Yes ☐ No ☐

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

# CERTIFICATE OF MAILING

0016

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CASE: 1300350 TRUSTEE: 23 COURT: 278  
TASK: 04-08-2013.00621984.LSA000 DATED: 04/09/2013

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Court Served Electronically

Debtor	MARCIA J. MURRAY	302 PEMBROKE COURT WENDELL, NC 27591
799	000002 MICHAEL PEAVEY PO BOX 1115	404 BROAD STREET WILSON, NC 27894
009	000014 SALLIE MAE	PO BOX 9635 WIKES BARRE, PA 18773-9635
006	000008 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101-7346
010	000015 WESTWOOD COLLEGE ONLINE	4420 NORTH FAIRFAX DRIVE ARLINGTON, VA 22203
008	000009 NC DEPARTMENT OF REVENUE PO BOX 1168	BANKRUPTCY UNIT RALEIGH, NC 27602-1168
007	000013 LENDMARK FINANCIAL SERVICES	4229 LOUISBURG RD RALEIGH, NC 27604
002	000016 COASTAL FEDERAL CREDIT UNION 1000 ST. ALBANS DRIVE	ATTN: MANAGING AGENT RALEIGH, NC 27609
002	000003 COASTAL FEDERAL CREDIT UNION 1000 ST. ALBANS DRIVE	ATTN: MANAGING AGENT RALEIGH, NC 27609
004	000012 GECRB/ CARECR PO BOX 965036	ORLANDO, FL 32896
005	000004 GEMB/ROOMS TO GO PO BOX 965036	ATTN: MANAGING OFFICER ORLANDO, FL 32896-5036
003	000011 DISCOVER FINANCIAL SERVICES	PO BOX 3025 NEW ALBANY, OH 43054-3025
900	000005 USDA RURAL HOUSING SERVICE PO BOX 66879	CENTRALIZED SERVICING CENTER USDA ST. LOUIS, MO 63166
901	000006 USDA RURAL HOUSING SERVICE PO BOX 66879	CENTRALIZED SERVICING CENTER USDA ST. LOUIS, MO 63166
902	000007 USDA RURAL HOUSING SERVICE PO BOX 66879	CENTRALIZED SERVICING CENTER USDA ST. LOUIS, MO 63166
011	000017 COASTAL FCU	9441 LBJ FREEWAY SUITE 350 DALLAS, TX 75243
001	000010 CAPITAL ONE NA 3936 E FT LOWELL ROAD SUITE #200	BASS AND ASSOCIATES PC TUSCON, AZ 85712
012	000018 CAPITAL ONE NA 3936 E FT LOWELL ROAD SUITE #200	BASS AND ASSOCIATES PC TUSCON, AZ 85712

19 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 04/09/2013.  
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.  
EXECUTED ON 04/09/2013 BY /S/EPIQ Systems, Inc.

\*CM - Indicates notice served via Certified Mail